

UNITED STATES OF AMERICA,)
)
 V.) 7:10-CR-11-H
)
 RUSHAUN NECKO PARKER,)
)
 DEFENDANT.)
)

1 WEDNESDAY, MARCH 2, 2011

2 **THE COURT:** GOOD MORNING, LADIES AND GENTLEMEN.
3 MADAM COURT REPORTER, LET THE RECORD REFLECT THE COURT HAS
4 CONDUCTED A CHARGE CONFERENCE ATTENDED AND PARTICIPATED IN
5 BY BOTH COUNSEL FOR THE UNITED STATES AND COUNSEL FOR THE
6 DEFENDANT. THE PARTIES ARE AWARE OF THE CHARGE AND
7 ANTICIPATED CHARGE THAT WILL BE GIVEN.

8 MR. SEVERO, ARE YOU READY TO PROCEED THIS MORNING?

9 **MR. SEVERO:** THE GOVERNMENT IS PREPARED.

10 **THE COURT:** MR. WALEN, IS THE DEFENDANT READY TO
11 PROCEED?

12 **MR. WALEN:** WE ARE, YOUR HONOR.

13 **THE COURT:** BRING THE JURY IN, MARSHAL.

14 (JURORS ENTER INTO THE COURTROOM.)

15 GOOD MORNING, LADIES AND GENTLEMEN OF THE JURY AND
16 WELCOME TO THE CONTINUATION OF THE PROCEEDING ENTITLED,
17 *UNITED STATES VERSUS PARKER*. I INQUIRE OF YOU DURING THE
18 COURSE OF THE EVENING RECESS, DID ANYONE DISCUSS THIS CASE
19 IN YOUR PRESENCE OR DID ANY INFORMATION PERTAINING TO THIS
20 CASE COME TO ANY OF YOUR ATTENTION OUTSIDE OF THIS
21 COURTROOM? IF SO, PLEASE INDICATE BY RAISING YOUR HAND.
22 NO SUCH INDICATION, WE WILL PROCEED.

23 MR. UNITED STATES ATTORNEY, CALL YOUR NEXT WITNESS.

24 **MR. SEVERO:** ERIC RIVERS, YOUR HONOR.

25 **ERIC RIVERS**, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS

1 DURING **DIRECT EXAMINATION:**

2 **THE COURT:** YOU MAY PROCEED.

3 **BY MR. SEVERO:**

4 **Q.** CAN YOU PLEASE STATE YOUR NAME FOR THE COURT?

5 **A.** ERIC MIGUEL RIVERS.

6 **Q.** CAN YOU MOVE UP CLOSER TO THE MIC, OR MOVE THE MIC A
7 LITTLE CLOSER TO YOU?

8 **A.** ERIC MIGUEL RIVERS.

9 **Q.** HOW OLD ARE YOU, MR. RIVERS?

10 **A.** TWENTY-NINE.

11 **Q.** MR. RIVERS, WHERE ARE YOU CURRENTLY STAYING OR WHERE
12 ARE YOU RIGHT NOW?

13 **A.** I'M AT PITT COUNTY.

14 **Q.** ARE YOU IN PRISON?

15 **A.** YES, I'M IN PRISON AT THE CURRENT TIME.

16 **Q.** ARE YOU IN PRISON ON FEDERAL DRUG CHARGES?

17 **A.** YES.

18 **Q.** AND HAVE YOU, IN SOME TIME IN DECEMBER OF 2009, DID
19 YOU PLEAD GUILTY TO FEDERAL DRUG CHARGES?

20 **A.** YES.

21 **Q.** DO YOU REMEMBER WHAT YOU PLED GUILTY TO?

22 **A.** CONSPIRACY TO POSSESS 50 GRAMS OR MORE AND CONSPIRACY
23 TO POSSESS 500 GRAMS OR MORE OF POWDER COCAINE.

24 **Q.** DID YOU ENTER INTO A PLEA AGREEMENT AT THAT TIME WITH
25 THE FEDERAL GOVERNMENT?

1 **A.** YES.

2 **MR. SEVERO:** YOUR HONOR, MAY I APPROACH?

3 **THE COURT:** YOU MAY.

4 **BY MR. SEVERO:**

5 **Q.** MR. RIVERS, I'M GOING TO SHOW YOU WHAT HAS A STICKER
6 ON IT MARKED GOVERNMENT'S EXHIBIT NO. 83. ASK YOU TO LOOK
7 AT THAT, MR. RIVERS, AND ASK YOU IF YOU RECOGNIZE THAT?

8 **A.** YES. THAT'S MY PLEA AGREEMENT.

9 **Q.** CAN YOU FLIP TO THE BACK PAGE. DID YOU SIGN THAT?

10 **A.** YES.

11 **Q.** OKAY. AND DOES THAT PLEA AGREEMENT MAKE ANY
12 REQUIREMENTS OF YOU OR ASK YOU TO DO ANYTHING BASED UPON
13 YOUR PLEA AGREEMENT?

14 **A.** NO, IT DOESN'T.

15 **Q.** IS A PART OF YOUR PLEA AGREEMENT THAT YOU ARE
16 REQUIRED BY THE GOVERNMENT, IF ASKED TO, TO TESTIFY
17 TRUTHFULLY?

18 **A.** YES.

19 **Q.** ALL RIGHT. CAN YOU LOOK ON PAGE THREE, BOX NUMBER H.
20 IS THAT ONE OF THE THINGS YOU ARE REQUIRED TO DO?

21 **A.** YES.

22 **Q.** AND, MR. RIVERS, DO YOU KNOW WHAT IF ANYTHING WOULD
23 HAPPEN TO YOU IF YOU DIDN'T TESTIFY TRUTHFULLY?

24 **A.** I WOULD BE COMMITTING A CRIME, PERJURY.

25 **Q.** AND ARE YOU CURRENTLY SERVING A SENTENCE?

1 **A.** YES.

2 **Q.** AND WHAT'S THE LENGTH OF YOUR SENTENCE RIGHT NOW?

3 **A.** 132-MONTHS.

4 **Q.** HAS THE FEDERAL GOVERNMENT MADE YOU ANY PROMISES
5 ABOUT YOUR TESTIMONY TODAY?

6 **A.** NO.

7 **Q.** IF ANYTHING WERE TO HAPPEN TO YOUR SENTENCE, WHO
8 WOULD DECIDE THAT?

9 **A.** THE JUDGE.

10 **Q.** NOW, MR. RIVERS, ARE YOU FAMILIAR WITH OR DO YOU KNOW
11 SOMEBODY BY THE NICKNAME OR THE STREET NAME OF DUKE?

12 **A.** YES.

13 **Q.** AND HOW LONG HAVE YOU KNOWN OR DID YOU KNOW THAT
14 PERSON?

15 **A.** I'VE KNOWN OF HIM BUT I ONLY DEALT WITH HIM LIKE THE
16 SUMMER OF '09, OVER THE COURSE OF THREE MONTHS, THREE OR
17 FOUR MONTHS.

18 **Q.** AND THE PERSON THAT YOU DEALT WITH OVER THE COURSE OF
19 A COUPLE OF MONTHS, DO YOU SEE THAT PERSON IN THE
20 COURTROOM?

21 **A.** YES, I DO.

22 **Q.** CAN YOU PLEASE IDENTIFY THAT PERSON FOR THE JURY?

23 **A.** RIGHT THERE (POINTING).

24 **Q.** CAN YOU SAY WHAT THAT PERSON IS WEARING?

25 **A.** HE'S WEARING A PLAID SHIRT.

1 **THE COURT:** WEARING WHAT?

2 **THE WITNESS:** A PLAID SHIRT.

3 **THE COURT:** LET THE RECORD REFLECT THE
4 TESTIFYING WITNESS IDENTIFIED THE DEFENDANT, RUSHAUN
5 PARKER.

6 **BY MR. SEVERO:**

7 **Q.** WHEN YOU SAY YOU DEALT WITH HIM OR YOU KNEW OF HIM,
8 WHEN DID YOU START KNOWING HIM?

9 **A.** I CAME HOME IN '08. COUPLE PEOPLE I KNEW WERE
10 DEALING WITH HIM.

11 **Q.** WHEN YOU SAY A COUPLE OF PEOPLE WERE DEALING WITH
12 HIM, WHAT DO YOU MEAN?

13 **A.** BUYING DRUGS FROM HIM.

14 **Q.** WHO WERE THE NAMES OF SOME OF THOSE PEOPLE?

15 **A.** A GUY NAMED BIG AND A GUY NAMED WILLIE.

16 **Q.** IS THAT WILLIE LITTLE?

17 **A.** YES.

18 **Q.** AND THEY HAD BEEN GETTING DRUGS FROM MR. PARKER?

19 **MR. WALEN:** OBJECTION.

20 **A.** YES.

21 **BY MR. SEVERO:**

22 **Q.** AND BASED UPON THAT, DID YOU ASK MR. LITTLE TO HELP
23 YOU GET UP WITH THE DEFENDANT?

24 **A.** YES. HE CALLED HIM FOR ME AND ASKED HIM COULD I COME
25 SEE HIM. HE GAVE ME THE NUMBER AND I WENT TO MEET HIM.

1 Q. WHEN WAS THE FIRST TIME YOU MET WITH THE DEFENDANT,
2 ABOUT WHAT MONTH?

3 A. PROBABLY JULY '09.

4 Q. AND DID YOU CALL THE DEFENDANT BEFORE YOU MET HIM?

5 A. YEAH, I CALLED HIM.

6 Q. AND DID YOU-ALL AGREE TO MEET?

7 A. YEAH. I MET HIM ON HENRY STREET.

8 Q. AND WHERE'S HENRY STREET?

9 A. OFF OF PRINCESS STREET ON THE EAST SIDE OF
10 WILMINGTON.

11 Q. DID YOU LIVE IN WILMINGTON BACK IN 2009?

12 A. YES, I DID.

13 Q. WERE YOU FAMILIAR WITH THE EAST SIDE OF WILMINGTON?

14 A. YEAH.

15 Q. AND WHAT STREET WAS HENRY STREET OFF OF?

16 A. OFF OF PRINCESS.

17 Q. CAN YOU TELL THE MEMBERS OF THE JURY WHAT HAPPENED
18 THE FIRST TIME YOU MET THE DEFENDANT AFTER YOU PLACED THIS
19 PHONE CALL IN JULY OF 2009?

20 A. I MET HIM ON HENRY STREET. I PROBABLY WAITED TEN OR
21 15 MINUTES FOR HIM TO PULL UP. HE GOT IN MY TRUCK IN THE
22 PASSENGER'S SEAT, GAVE ME AN OUNCE, CHARGED ME 1,100. I
23 TOLD HIM I WOULD CALL HIM IN A COUPLE OF DAYS IF IT WAS
24 ALL RIGHT.

25 Q. WHEN YOU SAY HE GAVE YOU AN OUNCE, HE GAVE YOU AN

1 OUNCE OF WHAT?

2 **A.** AN OUNCE OF CRACK.

3 **Q.** ARE YOU FAMILIAR WITH CRACK?

4 **A.** YES, I'M VERY FAMILIAR WITH CRACK.

5 **Q.** YOU SOLD CRACK COCAINE, RIGHT? YOU ARE A CRACK
6 COCAINE DEALER, OR YOU WERE BEFORE YOU GOT INTO FEDERAL
7 PRISON, RIGHT?

8 **A.** YES.

9 **Q.** DID YOU SELL THAT OUNCE OF COCAINE, CRACK COCAINE,
10 THAT YOU GOT FROM THE DEFENDANT?

11 **A.** YES.

12 **Q.** DID YOU SELL THAT IN THE WILMINGTON AREA?

13 **A.** YES.

14 **Q.** DID ANYBODY COMPLAIN TO YOU ABOUT THE QUALITY OR
15 WHETHER IT WAS ANY GOOD OR NOT?

16 **A.** NO, THEY DIDN'T COMPLAIN. THEY SAID IT WAS ALL
17 RIGHT.

18 **Q.** AND WAS -- ON THIS FIRST TIME IN JULY OF 2009, WAS
19 THERE ANYBODY WITH THE DEFENDANT WHEN YOU PURCHASED THAT
20 OUNCE OF COCAINE, CRACK COCAINE?

21 **A.** YES, TALL GUY NAMED DEZ WAS WITH HIM AT THE TIME.

22 **Q.** NAMED DEZ?

23 **A.** YES.

24 **Q.** WOULD YOU RECOGNIZE A PICTURE OF DEZ?

25 **A.** YES.

1 Q. AND YOU SAID YOU GAVE HIM 1,100. SO THE JURY
2 UNDERSTANDS, YOU GAVE HIM 1,100 WHAT?

3 A. \$1,100.

4 MR. SEVERO: YOUR HONOR, I MOVE TO PUBLISH
5 GOVERNMENT'S EXHIBIT NO. 112.

6 THE COURT: LET IT BE PUBLISHED.

7 BY MR. SEVERO:

8 Q. MR. RIVERS, I'D LIKE YOU TO LOOK AT THAT PHOTOGRAPH
9 AND ASK YOU, DO YOU RECOGNIZE ANYBODY IN THE PHOTOGRAPH?

10 A. I RECOGNIZE BOTH MEN IN THE PHOTOGRAPH.

11 Q. SINCE EVERYTHING IS BEING TYPED DOWN, CAN YOU SAY THE
12 NAME OF ONE OF THE PEOPLE YOU RECOGNIZE AND WHAT THAT
13 PERSON IS WEARING?

14 A. DUKE IS ON THE RIGHT HAND SIDE IN WHITE AND ORANGE,
15 AND DEZ IS ON THE LEFT HAND SIDE IN THE GREEN AND BLUE.

16 Q. IS THAT THE PERSON THAT WAS WITH THE DEFENDANT WHEN
17 YOU BOUGHT THAT OUNCE OF COCAINE BASE?

18 A. YES.

19 Q. DID YOU MEET WITH OR TALK TO THE DEFENDANT AT ALL
20 AFTER THIS FIRST TIME IN JULY OF 2009?

21 A. YES, PROBABLY ABOUT THREE DAYS LATER.

22 Q. AND WHERE DID YOU-ALL MEET?

23 A. WE MEET AT THE SAME SPOT OFF OF HENRY STREET.

24 Q. WHAT HAPPENED WHEN YOU MET THAT SECOND TIME?

25 A. THE SECOND TIME I BOUGHT 62 GRAMS.

1 Q. AND DOES 62 GRAMS HAVE ANY SORT OF, DO YOU KNOW IT BY
2 ANY NAME OR DO YOU CALL IT ANYTHING?

3 A. I CALL IT SIX DEUCE.

4 Q. SIX DEUCE?

5 A. YEAH.

6 Q. HOW MUCH DID YOU PAY THE DEFENDANT FOR THAT 62 -- WAS
7 THAT CRACK?

8 A. YEAH, THAT WAS CRACK.

9 Q. HOW MUCH DID YOU PAY THE DEFENDANT FOR THAT CRACK?

10 A. LIKE 2,300.

11 Q. AND WHERE DID THAT DEAL TAKE PLACE?

12 A. THE SAME PLACE, ON HENRY STREET.

13 Q. DID IT TAKE PLACE IN YOUR CAR OR WHERE ON HENRY
14 STREET?

15 A. YEAH, MY TRUCK.

16 Q. AND WAS ANYBODY WITH THE DEFENDANT ON THAT OCCASION?

17 A. NO, NOT AT THAT TIME.

18 Q. DID YOU MEET -- DID YOU SEE AT ANY TIME -- DID YOU
19 MEET -- STRIKE THAT.

20 DID YOU MEET WITH THE DEFENDANT AFTER THIS TIME?

21 A. YEAH, I MET WITH HIM ONE TIME AFTER THAT.

22 Q. WHERE WAS THAT?

23 A. THE SAME SPOT.

24 Q. WHAT HAPPENED ON THAT OCCASION?

25 A. I GOT ORDERED ANOTHER 62, AND SAME THING HAPPENED.

1 HE CHARGED ME THE SAME THING.

2 Q. WOULD THAT BE \$2,300?

3 A. YES.

4 Q. AND DID YOU GET THE 62 GRAMS FROM HIM?

5 A. YES.

6 Q. AND LET ME BACK UP FOR A SECOND. THE SECOND TIME HE
7 GAVE YOU THE 62 GRAMS, WHAT DID YOU DO WITH THOSE?

8 A. I SOLD THEM IN WILMINGTON.

9 Q. DID YOU SELL THOSE 62 GRAMS TO SOME OF THE SAME
10 PEOPLE YOU SOLD THAT OUNCE TO?

11 A. YES.

12 Q. AND ON THE LAST OCCASION, WHAT DID YOU DO WITH THOSE
13 62 GRAMS?

14 A. I DID THE SAME THING.

15 Q. AND 62 GRAMS OR A DEUCE, THAT'S A LARGE AMOUNT OF
16 COCAINE, ISN'T IT, OF CRACK COCAINE?

17 A. YEAH, IT'S ENOUGH, YEAH.

18 Q. IS IT, BASED UPON YOUR EXPERIENCE, IS THAT AN AMOUNT
19 THAT YOU DISTRIBUTE?

20 A. YEAH.

21 Q. AND LET'S SAY A DEUCE, ON THE SECOND DEUCE YOU GOT,
22 HOW MANY PEOPLE DID YOU SELL THAT DEUCE TO AND IN WHAT
23 AMOUNTS, IF YOU REMEMBER?

24 A. PROBABLY ABOUT 30, 40 PEOPLE.

25 Q. BASED UPON YOUR EXPERIENCES IN SELLING DRUGS, DOES

1 THE PRICE OF SELLING DRUGS VARY FROM TIME TO TIME?

2 **A.** YEAH, IT FLUCTUATES.

3 **Q.** OKAY. AND WHAT ARE SOME OF THE REASONS IT
4 FLUCTUATES?

5 **A.** SOMETIMES IT'S A DROUGHT.

6 **Q.** LET ME ASK YOU THIS, MR. RIVERS. IS DEALING DRUGS
7 DANGEROUS?

8 **A.** YEAH.

9 **Q.** AND DO PEOPLE GET ROBBED DEALING DRUGS?

10 **A.** ALL THE TIME.

11 **Q.** DO PEOPLE GET SHOT AT DEALING DRUGS?

12 **A.** YEAH.

13 **Q.** AND DO YOU KNOW WHY PEOPLE HAVE GUNS OR WEAPONS WITH
14 THEIR DRUGS?

15 **A.** FOR PROTECTION.

16 **Q.** AND WHAT ABOUT -- DID YOU EVER SEE THE DEFENDANT WITH
17 ANY MONEY AT ANY TIME?

18 **A.** JUST THE MONEY I GAVE HIM.

19 **Q.** ON ANY OF THESE -- DID YOU DEAL WITH THE DEFENDANT ON
20 ANY OTHER OCCASION?

21 **A.** NO, THAT WAS IT.

22 **Q.** WERE YOU WORKING IN ANY LAWFUL BUSINESS FROM JULY OF
23 2009 THROUGH -- WHEN WAS THE LAST TIME YOU BOUGHT FROM THE
24 DEFENDANT?

25 **A.** PROBABLY AROUND SEPTEMBER OF '09.

1 Q. WERE YOU WORKING AT ANY LAWFUL BUSINESS DURING THAT
2 TIME PERIOD?

3 A. NO.

4 Q. JUST DEALING DRUGS?

5 A. YEAH.

6 Q. WAS THAT YOUR ONLY REASON FOR MEETING THE DEFENDANT?

7 A. YEAH.

8 Q. ON ANY OF THESE THREE DEALS, DID YOU HAPPEN TO SEE OR
9 DID YOU SEE WHERE HE WENT AFTER HE LEFT YOUR VEHICLE?

10 A. I SEEN HIM WALK BEHIND THE HOUSE.

11 Q. AT SOME POINT RECENTLY WERE YOU SHOWN A PHOTOGRAPHIC
12 LINE-UP OR WERE YOU SHOWN SOME PICTURES?

13 A. YES.

14 MR. SEVERO: YOUR HONOR, MOVE TO PUBLISH
15 GOVERNMENT'S EXHIBIT NO. 89.

16 THE COURT: LET 89 BE SHOWN.

17 BY MR. SEVERO:

18 Q. MR. RIVERS, I'D LIKE YOU TO LOOK AT THAT AND SEE IF
19 YOU RECOGNIZE THAT.

20 A. YES. THAT'S A PHOTO LINE-UP I WAS SHOWN.

21 Q. DID YOU MAKE ANY NOTATIONS OR MARKS ON THAT LINE-UP?

22 A. YES. CIRCLED A PICTURE AND PUT MY INITIALS BY IT.

23 Q. WHO IS IN THAT PICTURE?

24 A. DUKE.

25 Q. IS THAT THE DEFENDANT?

1 **A.** YES.

2 **Q.** THE PERSON THAT SOLD YOU ALL THAT CRACK COCAINE?

3 **A.** UH-HUH.

4 **MR. SEVERO:** MAY I HAVE JUST A MOMENT, YOUR
5 HONOR?

6 **THE COURT:** YES.

7 **MR. SEVERO:** YOUR HONOR, I WOULD MOVE TO
8 INTRODUCE GOVERNMENT'S EXHIBIT BUT NOT PUBLISH
9 GOVERNMENT'S EXHIBIT NO. 83 AND TENDER THE WITNESS.

10 **THE COURT:** EIGHTY-THREE IS THE PLEA AGREEMENT?

11 **MR. SEVERO:** YES, YOUR HONOR.

12 **THE COURT:** LET IT BE ADMITTED.

13 MR. WALEN, DOES THE DEFENDANT HAVE ANY QUESTIONS OF
14 MR. RIVERS?

15 **MR. WALEN:** JUST A FEW.

16 **CROSS-EXAMINATION**

17 **BY MR. WALEN:**

18 **Q.** GOOD MORNING, MR. RIVERS.

19 **A.** GOOD MORNING.

20 **Q.** YOU TOOK A PLEA IN FEDERAL COURT; IS THAT CORRECT?

21 **A.** CORRECT.

22 **Q.** AND AS PART OF THAT PLEA AGREEMENT, WHEN YOU GOT
23 SENTENCED DID YOU RECEIVE A SENTENCE REDUCTION BASED ON A
24 5K MOTION BY THE GOVERNMENT?

25 **A.** YES.

1 Q. WOULD YOU EXPLAIN TO THE JURY WHAT A 5K MOTION IS?

2 A. A 5K MOTION IS WHEN YOU GIVE INFORMATION AND YOU GET
3 A TIME CUT OFF YOUR SENTENCE.

4 Q. SO YOU WERE REWARDED FOR -- BASICALLY FOR BEING
5 DEBRIEFED AND TURNING IN OTHER PEOPLE, RIGHT?

6 A. CORRECT.

7 Q. AND YOU ANTICIPATE BEING REWARDED FOR TESTIFYING
8 TODAY BY MEANS OF A RULE 35 MOTION; IS THAT CORRECT?

9 A. NOTHING HAS BEEN PROMISED TO ME.

10 Q. BUT HOW DO YOU FEEL ABOUT THAT? WOULD YOU BE DOING
11 THIS IF YOU DIDN'T THINK YOU WOULD GAIN SOMETHING FROM IT?

12 A. I WAS SUBPOENAED AND I'M HERE TO TELL THE TRUTH.

13 Q. SO YOU ARE TESTIFYING BASICALLY OUT OF A SENSE OF
14 CIVIC DUTY?

15 A. BASICALLY.

16 Q. UH-HUH. WHEN YOU BOUGHT THESE DRUGS, OR ALLEGEDLY
17 BOUGHT THESE DRUGS, FROM MR. PARKER BACK IN '09, WHEN THE
18 TRANSACTION ALLEGEDLY TOOK PLACE, DO YOU RECALL HAVING ANY
19 CONVERSATION ABOUT WHAT YOU WERE GOING TO DO WITH THE
20 DRUGS WITH MR. PARKER?

21 A. NO.

22 Q. OKAY. AND IN ANY OF THOSE TRANSACTIONS DO YOU RECALL
23 HAVING ANY KIND OF CONVERSATION?

24 A. NO.

25 Q. DURING ANY OF THOSE TRANSACTIONS, DO YOU RECALL MR.

1 PARKER HAVING A GUN ON HIM?

2 **A.** NO.

3 **MR. WALEN:** THANK YOU. NOTHING FURTHER.

4 **MR. SEVERO:** NO REDIRECT, YOUR HONOR.

5 **THE COURT:** ALL RIGHT, MR. RIVERS, THANK YOU FOR
6 YOUR TESTIMONY. YOU MAY STEP DOWN. YOU ARE EXCUSED.
7 CALL YOUR NEXT WITNESS.

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20 END OF TRANSCRIPT
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1 CERTIFICATE

2 THIS IS TO CERTIFY THAT THE FOREGOING TRANSCRIPT OF
3 PROCEEDINGS TAKEN AT THE CRIMINAL SESSION OF UNITED STATES
4 DISTRICT COURT IS A TRUE AND ACCURATE TRANSCRIPTION OF THE
5 PROCEEDINGS TAKEN BY ME IN MACHINE SHORTHAND AND
6 TRANSCRIBED BY COMPUTER UNDER MY SUPERVISION.

7 THIS THE 4TH DAY OF MARCH, 2011.

8
9 /S/ DONNA J. TOMAWSKI

10 DONNA J. TOMAWSKI
11 OFFICIAL COURT REPORTER
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